

THE NORTHERN TERRITORY OF AUSTRALIA

No. 34 of 1979

AN ACT

To amend the Local Government Act

[Assented to 27 April 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Local Government Act 1979.

Short title

2. The Local Government Act is in this Act referred to as the Principal Act.

Principal Act

3.(1) Section 304 of the Principal Act is amended by omitting "not being land reserved under a law of the Northern Territory for the recreation or amusement of the public or for any other public purpose,".

Council may manage, lease, &c., its property

(2) Section 304 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) The provisions of sub-section (1) do not apply to land held by a council under section 339A or 339B."

4. Section 339A of the Local Government Act is repealed and the following sections substituted:

"339A.(1) Where any land within the boundaries of a municipality has, before or after the commencement of this section, been reserved under section 103 of the Crown Lands Act the Minister may, by notice in the Gazette, appoint the council of the municipality to act as the trustee of that land.

Council may act as trustee of reserved land

"(2) A council appointed under sub-section (1) has, in respect of the land of which it is appointed to act as trustee, the powers, authorities and duties of trustees appointed under section 103C of the Crown Lands Act.

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"(3) In addition to the powers set out in section 103C of a Crown Lands Act, the by-laws of the council made under this Act shall apply to a reserve vested in accordance with this section.

"339B.(1) Where any land within the boundaries of a municipality has, before or after the commencement of this section, been reserved under section 103 of the Crown Lands Act, the Minister may, on behalf of the Crown, grant a lease in the prescribed form to the council of that municipality of that land.

"(2) Where a lease is granted by the Minister to a council of a municipality under this section the Minister shall cause the lease to be forwarded to the Registrar-General in duplicate for registration as a Crown lease under the Real Property Act.

"(3) The Minister shall cause a notice of the grant of a lease under sub-section (1) to be published in the Gazette.

"(4) The by-laws made under this Act by the council of a municipality apply to land leased to the council under this section.

"(5) A council of a municipality which holds a lease of land under this section may, with the approval of the Minister, grant a lease of the land or part of the land as provided by this section but not otherwise.

"(6) A lease may be granted under sub-section (5) -

- (a) to and for the purposes of an association or body formed for such purposes as are consistent with the purposes for which the land was reserved; or
- (b) to a person who, in response to an invitation made by public notice, has tendered for a lease for the conduct of such other purposes, including commercial purposes, that are consistent with or ancillary to the purpose for which the land was reserved,

which lease complies with the requirements of the laws of the Territory.

"(7) Where a council proposes to grant a lease under this section, the council shall cause notice of its intention so to do to be published on 2 separate days, the second day being not more than 15 days after the first day, in a newspaper published and circulating in the municipality.

"(8) A notice published under sub-section (7) shall state that a person residing within the municipi-

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pality may, within 14 days after the publication of the second notice, object in writing to the council on the granting of the lease.

"(9) An objection shall specify the interest of the objector and the grounds of the objection.

"(10) The council shall consider any objections which it may receive and, after so considering them, decide whether to continue with the proposal to grant a lease in accordance with this section or to alter the proposal and continue with the proposal as altered.

"(11) A lease granted by a council under this section shall be for a period specified in the lease -

- (a) where the development of the land is not to be undertaken by the lessee - not exceeding 2 years on a monthly tenancy; or
- (b) where the development of the land is to be undertaken by the lessee - not exceeding 30 years.

"(12) Where a council grants a lease under this section the council shall forward sufficient copies of the lease to the Registrar-General for registration under the Real Property Act.

"(13) A lease granted to a council in respect of a parcel of land under this section determines on the revocation of the reservation of which the parcel of land is included.

"(14) A lease granted by the council in respect of a parcel of land under this section determines on the revocation of the reservation in which the parcel of land is included."

5. Where land has been vested in a council prior to the commencement of this Act, the council shall continue to be vested with that land in accordance with the tenor of the vesting, but subject to the Principal Act as amended by this Act.

Savings

